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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,320	07/27/2001	Terry R. Bradfield	10559/471001/P10999	9550

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EXAMINER	
POLLACK, MELVIN H	
ART UNIT	**PAPER NUMBER**
2145	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/917,320	BRADFIELD ET AL.	
	Examiner	Art Unit	
	Melvin H. Pollack	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *see attached office action*.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

2. In the response to the last office action, the applicant changed the scope of the claims by adding "mobile device acts as data and authentication server" to all independent claims. As a result, a final amendment is necessitated even if the examiner provides a new art rejection. The examiner acknowledges that no new matter has been added by this amendment.

3. Due to the amendments, the 112 rejections have been withdrawn.

4. The applicant claims that Cook does not expressly disclose that a mobile device has a first resource (is part of the mobile device), and determines whether access to its resource should be allowed. After careful consideration, the examiner has determined that Cook teaches mobile clients, but not mobile servers. As such, the 102 rejection is withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-9, 13-16, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiffer (6,871,063) in view of Kobayashi (6,633,759).

7. For claim 1, Schiffer teaches (abstract) a computer-implemented method (col. 1, line 1 – col. 2, line 20) comprising:

a. Coupling a device (Fig. 1, #110) having a first resource (Fig. 1, #110) to a first network environment (Fig. 1, #121; col. 3, lines 40-55; Bluetooth);

b. Reading a first network identifier (col. 4, lines 10-25) associated with the first network environment (col. 4, lines 25-40; ID based on subscriber identity number on SIM) by the device (Fig. 2, 210);

c. Determining whether the first network identifier satisfies a first access requirement (Fig. 2, #215) stored locally at the device by the device (col. 4, lines 40-55; and

d. Allowing access to the first resource if the first network identifier satisfies the first access requirement (col. 4, lines 55-60).

8. Shiffer does not expressly disclose that the device accessed is mobile. Kobayashi teaches a method (abstract) of connecting a device to a first network (col. 1, line 1 – col. 3, line 35) and authenticating for access to the device (col. 8, lines 30 – 55) over a Bluetooth connection (col. 4, line 60), in which the device (Fig. 1, #1) is a laptop PC (col. 2, lines 43-44; portable information processing device). At the time the invention was made, one of ordinary skill in the art would have added Kobayashi's method to Shiffer in order to gain access to more resources (col. 8, lines 45-65) and to access computers when they are packed away (col. 10, lines 50-60).

9. For claim 2, Shiffer teaches that the method further comprises:

a. Obtaining a user name and password associated with a particular user of the first network (col. 2, lines 15-20);

b. Reading a second access requirement stored locally at the mobile device (col. 2, lines 25-35); and

c. Determining if the user name and password satisfies the second access requirement before allowing access to the first resource (Fig. 2, #215).

10. Shiffer teaches that the user name and password authentication occurs within the requesting device rather than the resource device, but is nevertheless a vital step in the authentication process for accessing resources of the device. Examiner takes Official Notice (see MPEP § 2144.03) that "user name and password authentication on a computer system" in a computer networking environment was well known in the art at the time the invention was made. Examiner further notes that it has been determined by the courts that the rearrangement of parts is considered to be obvious, as shown in MPEP 2144.04 and In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975). At the time the invention was made, one of ordinary skill in the art would have moved user name and password authentication from the cellular phone to the computer system because one of ordinary skill in the art would have recognized the larger memory and processing power of the computer system, and further to ensure that the computer system cannot be accessed by a thief who simply steals a cellular phone (col. 1, lines 35-45).

11. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more,

would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

12. Claims 3 and 4 add that a first resource may be accessed without a user name and password, but require the user name and password for a second resource. Shiffer teaches that, without the user name and password, access to the device remains limited (col. 4, lines 55-60). The examiner interprets limited to mean that some access to the computer system, but not all, occurs without the user name and password.

13. For claims 5 and 13, Shiffer teaches a computer-implemented method (abstract) of establishing and using sharing criteria to control access to a resource comprising:

a. Reading a first network identifier (Fig. 2, #210);

b. Receiving an indication that a first resource on a device is to be associated with the first network identifier (col. 4, lines 48-52); and

c. Storing the first network identifier in a first association with a resource identifier that identifies the first resource so that access to the resource is contingent upon receipt of the first network identifier (col. 4, lines 45-48).

14. Shiffer does not expressly disclose that the device accessed is mobile. Kobayashi teaches a method (abstract) of connecting a device to a first network (col. 1, line 1 – col. 3, line 35) and authenticating for access to the device (col. 8, lines 30 – 55) over a Bluetooth connection (col. 4, line 60), in which the device (Fig. 1, #1) is a laptop PC (col. 2, lines 43-44; portable information processing device). At the time the invention was made, one of ordinary skill in the art would

have added Kobayashi's method to Shiffer in order to gain access to more resources (col. 8, lines 45-65) and to access computers when they are packed away (col. 10, lines 50-60).

15. For claims 6 and 14, Shiffer teaches that the storing of the first network identifier in association with the resource identifier is accomplished by copying a portion of an association between the first network identifier and a second resource (col. 4, lines 50-52; stored value may include... some portion thereof).

16. For claims 7 and 15, Shiffer teaches that the method further comprises:

a. Receiving a third network identifier associated with an entity attempting to access the resource (col. 4, lines 10-35);

b. Comparing the received third network identifier with the stored first network identifier (col. 4, lines 35-55); and

c. Allowing access to the first resource if the received third network identifier matches the stored network identifier (col. 4, lines 55-60).

17. For claim 8, Shiffer teaches that the method further comprises:

a. Receiving a network identifier associated with an entity attempting to access the resource (col. 4, lines 10-35);

b. Comparing the received network identifier with the stored network identifier (col. 4, lines 35-55); and

c. Denying access to the first resource if the received network identifier does not match the stored network identifier (col. 4, lines 55-60).

18. For claims 9 and 16, Shiffer teaches that the method further comprises:

a. Receiving a user name and password associated with a particular user (col. 3, lines 25-30);

b. Receiving an indication that the first resource is to be associated also with the user name and password (col. 2, lines 15-20); and

c. Storing the user name and password in a second association with the resource identifier (col. 3, lines 29-31) so that the access to the first resource is contingent also upon receipt of the user name and password (col. 3, lines 30-37).

19. Shiffer teaches that the user name and password authentication occurs within the requesting device rather than the resource device, but is nevertheless a vital step in the authentication process for accessing resources of the device. Examiner takes Official Notice (see MPEP § 2144.03) that "user name and password authentication on a computer system" in a computer networking environment was well known in the art at the time the invention was made. Examiner further notes that it has been determined by the courts that the rearrangement of parts is considered to be obvious, as shown in MPEP 2144.04 and In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975). At the time the invention was made, one of ordinary skill in the art would have moved user name and password authentication from the cellular phone to the computer system because one of ordinary skill in the art would have recognized the larger memory and processing power of the computer system, and further to ensure that the computer system cannot be accessed by a thief who simply steals a cellular phone (col. 1, lines 35-45).

20. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain

adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

21. For claim 19, Kobayashi teaches that the mobile device comprising one of the following: a notebook computer, a mobile telephone, and a personal digital assistant (Fig. 9, #1).

22. For claim 20, Shiffer teaches that the resource comprises one of the following: a folder, a directory, a file, an application, a printer, a disk drive, a ROM drive, memory, and a scanner (Fig. 1, #113).

23. Claims 10-12, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiffer and Kobayashi as applied to claims 5, 13 above, and further in view of Cook (6,697,806).

24. For claims 10 and 17, Shiffer and Kobayashi do not expressly disclose removing the first association between the first network identifier and the resource identifier so that access to the first resource is allowed without receipt of the first network identifier. Cook teaches a method (abstract) of developing authorization and access methods for communications systems (col. 1, line 1 – col. 6, line 15) in which the limitation is taught (col. 23, line 20 – col. 24, line 5). At the

time the invention was made, one of ordinary skill in the art would have added Cook to Shiffer in order to develop a broader login system (col. 4, lines 20-40).

25. For claims 11 and 18, Shiffer and Kobayashi do not expressly disclose suspending temporarily the first association between the first network identifier and the resource identifier so that access to the first resource is allowed without receipt of the first network identifier. Cook teaches this limitation (col. 35, lines 50-60; predictive caches allow users access to resources without logging in). At the time the invention was made, one of ordinary skill in the art would have added Cook to Shiffer in order to develop a broader login system (col. 4, lines 20-40).

26. For claim 12, Shiffer and Kobayashi do not expressly disclose use of a second network identifier. Cook teaches that the method further comprises:

a. Displaying a second network identifier (Fig. 5, #554);

b. Receiving an indication that the first resource is to be associated with the second network identifier (col. 4, lines 20-40); and

c. Storing the second network identifier in a second association with the resource identifier so that access to the first resource is contingent upon receipt of either the first network identifier or the second network identifier (col. 4, lines 20-40).

27. At the time the invention was made, one of ordinary skill in the art would have added Cook to Shiffer in order to develop a broader login system (col. 4, lines 20-40).

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

30. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP
11 June 2005

VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER